



W.P.No.15119 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.15119 of 2021

and

W.M.P.Nos.16016 and 16018 of 2021

M.V.S.Tanishq @ Sameer

... Petitioner

VS.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai-34.
- 3.The Thakkar,
Arulmighu Vada Madura Kannan
Thirukkivil,
No.43, 3rd Street, Postal Colony,
West Mambalam,
Chennai-33.



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4.The Executive Officer,
Arulmighu Balasubaramaniya
Swamy Thirukkivil,
73, Eldams Road, Teynampet, Chennai-600 018. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in order dated 17.06.2021 passed by the 3rd respondent and quash the same and consequently direct the 3rd and 4th respondent to de-seal and de-lock the premises at No.43, 3rd Street, Postal Colony, West Mambalam, Chennai-600 033.

For Petitioner : M/s.Shaikh Mehrunisa

For R1 and R2 : Mr.K.Karthikeyan
Government Advocate (HR and CE)

For R3 and R4 : Mr.P.Wilson
for M/s.A.S.Kailasam Associates

ORDER

The petitioner herein filed this writ petition challenging the order passed by the 3rd respondent dated 17.06.2021 directing the petitioner to submit Legal Heirship Certificate and remove his belongings from the subject property.

2. The subject property situated in Door No.43, 3rd Street, Postal Colony, West Mambalam, Chennai-600 033 belongs to the 3rd respondent-



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Temple. The petitioner's grandmother one-M.V.Sarala was the original tenant of the above mentioned premises and she died on 01.12.2020. Since the petitioner and his mother were out of station at the relevant point of time, the 3rd respondent had taken possession of the premises and locked and sealed it. Thereafter, a communication was received by the petitioner mentioning the arrears of rent of Rs.1,15,237/- and since premises was not in occupation of any other person, the same was taken possession and locked by the 3rd respondent. Aggrieved by the same, the petitioner has come before this Court claiming that the petitioner is entitled to occupy the same in his capacity as grand child of original tenant-M.V.Sarala.

3. The learned Government Advocate (HR and CE) appearing for the respondents 1 and 2 would submit that in order to prevent encroachments of the subject premises by third parties, the 3rd respondent had taken possession of the same and sealed the premises. He further submitted that the petitioner has not produced any document to show that he is the legal heir of the original tenant-M.V.Sarala. Further, even as on June-2021, there were huge arrears of Rs.1,15,237/-. In such circumstances, the petitioner is not entitled to claim any right over the subject premises.



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4. In view of the serious objections raised by the learned Government

Advocate (HR and CE) appearing for the respondents 1 and 2 with regard to the relationship of the petitioner with erstwhile tenant, the petitioner is directed to submit a representation before the 3rd respondent enclosing necessary documents to establish his relationship with the erstwhile tenant-M.V.Sarala. If the petitioner pays the entire arrears amount as on the date of submission of the representation, the 3rd respondent can consider the representation of the petitioner and pass final orders on its own merits and in accordance with law, within a period of eight weeks from the date of submission of the representation.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

21.12.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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S.SOUNTHAR, J.

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